

ESTTA Tracking number: **ESTTA291676**

Filing date: **06/24/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Integrated Device Technology, Inc.
Granted to Date of previous extension	06/24/2009
Address	6024 Silver Creek Valley Road San Jose, CA 95138 UNITED STATES
Correspondence information	Dana Brody-Brown Attorney at Law Lewis and Roca LLP 2440 W. El Camino Real, 6th Floor Mountain View, CA 94040 UNITED STATES DBrodybrown@LRLaw.com Phone:650-391-1380

Applicant Information

Application No	77587020	Publication date	02/24/2009
Opposition Filing Date	06/24/2009	Opposition Period Ends	06/24/2009
Applicant	Imaging Systems, Inc. d/b/a Integrated Document Technologies, Inc. 917 West Hawthorn Drive Itasca, IL 60143 UNITED STATES		

Goods/Services Affected by Opposition

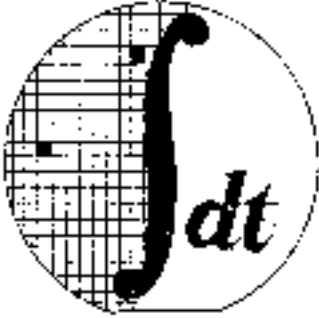
Class 009. First Use: 2008/01/01 First Use In Commerce: 2008/01/01
All goods and services in the class are opposed, namely: document management and imaging systems and software, namely, computer hardware and software used for records and document management, enterprise content management, enterprise resource planning, and regulatory compliance

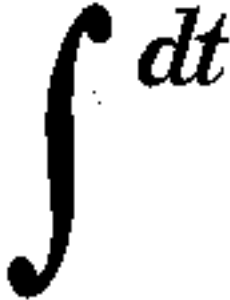
Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1244288	Application Date	04/23/1982
Registration Date	07/05/1983	Foreign Priority	NONE

		Date	
Word Mark	IDT		
Design Mark			
Description of Mark	The mark comprises a circular design within which is the semiconductor grid design and mathematical integral sign and the letters "dt".		
Goods/Services	Class 009. First use: First Use: 1981/12/00 First Use In Commerce: 1981/12/00 Random Access Memory Apparatus		

U.S. Registration No.	1542345	Application Date	07/21/1988
Registration Date	06/06/1989	Foreign Priority Date	NONE
Word Mark	IDT		
Design Mark			
Description of Mark	THE MARK COMPRISES THE STYLIZED LETTERS "IDT" AND DESIGN.		
Goods/Services	Class 009. First use: First Use: 1982/12/29 First Use In Commerce: 1982/12/30 ELECTRONIC SEMICONDUCTOR COMPONENTS, NAMELY RANDOM ACCESS MEMORIES, PROGRAMMABLE READ ONLY MEMORIES; BIT-SLICE APPARATUSES; MICROPROCESSORS; SEQUENCERS; ERROR DETECTION AND CORRECTION APPARATUSES; REGISTER FILES; SUPPORT CHIPS; MULTIPLIERS; ANALOG-TO-DIGITAL CONVERTERS; AND BINARY COUNTERS		


U.S. Registration No.	1542346	Application Date	07/21/1988
Registration Date	06/06/1989	Foreign Priority Date	NONE
Word Mark	IDT		


Design Mark	
Description of Mark	THE MARK COMPRISES THE STYLIZED LETTERS "IDT" WITHIN A CIRCULAR DESIGN WHICH CONTAINS TWO DOTS.
Goods/Services	Class 009. First use: First Use: 1982/12/29 First Use In Commerce: 1982/12/30 ELECTRONIC SEMICONDUCTOR COMPONENTS, NAMELY RANDOM ACCESS MEMORIES; PROGRAMMABLE READ ONLY MEMORIES; BIT-SLICE APPARATUSES; MICROPROCESSORS; SEQUENCERS; ERROR DETECTION AND CORRECTION APPARATUSES; REGISTER FILES; SUPPORT CHIPS; MULTIPLIERS; ANALOG-TO-DIGITAL CONVERTERS; AND BINARY COUNTERS

U.S. Registration No.	2300863	Application Date	05/04/1998
Registration Date	12/14/1999	Foreign Priority Date	NONE
Word Mark	SIDT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/06/10 First Use In Commerce: 1999/06/10 SEMICONDUCTOR DEVICES, SEMICONDUCTOR MEMORY MODULES, COMPUTER PROGRAMS FOR USE IN THE DESIGN AND APPLICATION OF SEMICONDUCTOR DEVICES, MICROPROCESSORS, AND MICROCONTROLLERS		

U.S. Registration No.	2893618	Application Date	10/31/2003
Registration Date	10/12/2004	Foreign Priority Date	NONE
Word Mark	IDT		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 009. First use: First Use: 1983/11/00 First Use In Commerce: 1983/11/00 SEMICONDUCTORS, NAMELY SEMICONDUCTOR AND LOGIC DEVICES, INTEGRATED CIRCUITS, SEMICONDUCTOR ELECTRONIC MODULES, MICROPROCESSORS, AND MICROCONTROLLERS; AND SOFTWARE FOR USE IN THE DESIGN, APPLICATION, MANAGEMENT AND SIMULATION OF SEMICONDUCTORS		
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U.S. Registration No.	3159809	Application Date	10/31/2003
Registration Date	10/17/2006	Foreign Priority Date	NONE
Word Mark	IDT		
Design Mark			
Description of Mark	The mark consists of a circle with a mathematical integral sign and the letters IDT.		
Goods/Services	Class 009. First use: First Use: 2004/12/10 First Use In Commerce: 2004/12/16 SEMICONDUCTORS, NAMELY SEMICONDUCTOR AND LOGIC DEVICES, INTEGRATED CIRCUITS, SEMICONDUCTOR ELECTRONIC MODULES, MICROPROCESSORS, AND MICROCONTROLLERS; AND SOFTWARE FOR USE IN THE DESIGN, APPLICATION, MANAGEMENT AND SIMULATION OF SEMICONDUCTORS		

U.S. Registration No.	3440221	Application Date	10/02/2007
Registration Date	06/03/2008	Foreign Priority Date	NONE
Word Mark	MY IDT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2005/05/00 First Use In Commerce: 2005/05/00 PROVIDING BUSINESS ADVICE AND INFORMATION ABOUT CUSTOMER SERVICES, PRODUCT MANAGEMENT AND PRICES ON WEBSITES IN CONNECTION WITH PURCHASES VIA THE INTERNET; ASSISTANCE WITH BUSINESS MANAGEMENT; AND BUSINESS INFORMATION AND INQUIRIES</p> <p>Class 038. First use: First Use: 2005/05/00 First Use In Commerce: 2005/05/00 PROVIDING ACCESS TO AN ELECTRONIC SITE THAT ALLOWS FOR CUSTOMIZATION OF INFORMATION REGARDING INTEGRATED CIRCUITS AND RELATED ELECTRONIC GOODS</p>		

	<p>Class 041. First use: First Use: 2005/05/00 First Use In Commerce: 2005/05/00 PROVIDING ON-LINE TRAINING IN THE FORM OF PRESENTATIONS, COURSES, SEMINARS, REFERENCE GUIDES, MANUALS, ARTICLES AND LIBRARIES FOR THE MARKETING, SALE AND APPLICATION OF SEMICONDUCTOR PRODUCTS AND TECHNOLOGY</p> <p>Class 042. First use: First Use: 2005/05/00 First Use In Commerce: 2005/05/00 PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE FOR CUSTOMERS TO USE ON A WEBSITE THAT ALLOWS CUSTOMERS TO SEARCH PRODUCT DATABASES, RETRIEVE SPECIFICATIONS, AND EVALUATE PRODUCT FUNCTIONALITY</p>
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Attachments	<p>73361161#TMSN.gif (1 page)(bytes) 73741296#TMSN.gif (1 page)(bytes) 73741317#TMSN.gif (1 page)(bytes) 75479306#TMSN.gif (1 page)(bytes) 78321842#TMSN.jpeg (1 page)(bytes) 77293949#TMSN.jpeg (1 page)(bytes) IDT COMPLETE NOTICE OF OPPOSITION.pdf (7 pages)(240575 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/dbrody-brown/
Name	Dana Brody-Brown
Date	06/24/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

RE: U.S. Trademark Application Serial No. 77/587020
Published in the Official Gazette on February 24, 2009

INTEGRATED DEVICE TECHNOLOGY, INC.,)	
)	
Opposer)	
)	Opposition No. _____
-v-)	
)	
IMAGING SYSTEMS, INC. d/b/a INTEGRATED)	
DOCUMENTS TECHNOLOGIES, INC.,)	
)	
Applicant.)	
)	
)	

NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22314

Commissioner:

In the matter of Application Serial No. 77/587020 filed October 7, 2008 by Imaging Systems, Inc., d/b/a Integrated Documents Technologies, Inc. (“Applicant”), to register the mark IDT COMPLETE for “Document management and imaging systems and software, namely, computer hardware and software used for records and document management, enterprise content management, enterprise resource planning and regulatory compliance” in International Class 9 (“Applicant’s Goods”), which was published in the Official Gazette on February 24, 2009, Integrated Device Technology, Inc. (“Opposer”) of San Jose, California, believes it will be damaged by the registration of the IDT COMPLETE mark and opposes the same pursuant to 15 U.S.C. § 1063(a). The grounds for this opposition are as follows:

1. Opposer is a Delaware corporation having an address at 6024 Silver Creek Valley Road, San Jose, CA 95138.

2. Opposer is the owner of the well known IDT trademark, which it has used for more than 25 years on computer-related goods and services.

3. Opposer owns common law rights in the IDT mark and other marks that incorporate IDT for various goods and services in International Class 9.

4. Opposer owns 7 U.S. Federal Registrations consisting of or incorporating the IDT mark covering various goods and services in several International Classes. These registrations are:

REG. NO.	MARK	GOODS/SERVICES
1,244,288	IDT	Random Access Memory Apparatus in Class 9
1,542,345	IDT	Electronic semiconductor components, namely random access memories, programmable read only memories; bit-slice apparatuses; microprocessors; sequencers; error detection and correction apparatuses; register files; support chips; multipliers; analog-to-digital converters; and binary counters in Class 9
1,542,346	IDT	Electronic semiconductor components, namely random access memories, programmable read only memories; bit-slice apparatuses; microprocessors; sequencers; error detection and correction apparatuses; register files; support chips; multipliers; analog-to-digital converters; and binary counters in Class 9
2,300,863	SIDT	Semiconductor devices, semiconductor memory modules, computer programs for use in the design and application of semiconductor devices, microprocessors, and microcontrollers in Class 9
2,893,618	IDT	Semiconductors, namely semiconductor and logic devices, integrated circuits, semiconductor electronic modules, microprocessors, and microcontrollers; and software for use in the design, application, management and simulation of semiconductors in Class 9
3,159,809	IDT	Semiconductors, namely semiconductor and logic devices, integrated circuits, semiconductor electronic modules, microprocessors, and microcontrollers; and software for use in the design, application, management and simulation of semiconductors in Class 9
3,440,221	MY IDT	Providing business advice and information about customer services, product management and prices on websites in

REG. NO.	MARK	GOODS/SERVICES
		<p>connection with purchases via the Internet; assistance with business management; and business information and inquiries in Class 35</p> <p>Providing access to an electronic site that allows for customization of information regarding integrated circuits and related electronic goods in Class 38</p> <p>Providing on-line training in the form of presentations, courses, seminars, reference guides, manuals, articles and libraries for the marketing, sale and application of semiconductor products and technology in Class 41</p> <p>Providing temporary use of on-line non-downloadable software for customers to use on a website that allows customers to search product databases, retrieve specifications and evaluate product functionality in Class 42</p>

(collectively, the “IDT Marks”).

5. Opposer's Registration Nos. 1,244,288; 1,542,345; 1,542,346; and 2,300,863 are valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065, and are conclusive evidence of the validity and registration of each registered mark set forth therein, and of Opposer's exclusive right to use each registered mark set forth therein in connection with the goods/services specified in the registrations.

6. Opposer's Registration Nos. 2,893,618; 3,159,809; and 3,440,221 are valid and subsisting, and are *prima facie* evidence of the validity and registration of each registered mark set forth therein, and of Opposer's exclusive right to use each registered mark set forth therein in connection with the goods and services specified in the registrations.

7. Opposer has continuously used Opposer's IDT Marks in connection with a variety of goods and services in commerce, including various computer hardware and software products (“Opposer’s Goods and Services”).

8. Opposer’s use of the IDT Marks began long before Applicant filed the 77/587020 Application and long before any date of first use of IDT COMPLETE by Applicant.

9. Since its initial use of the IDT Marks, Opposer has made a substantial investment in advertising and promoting Opposer's Goods and Services under its IDT Marks. Opposer has extensively used, advertised, promoted, offered, rendered and sold Opposer's Goods and Services to the public through various channels of trade in commerce.

10. Opposer's customers and the public in general know and recognize Opposer's IDT Marks and associate same with Opposer. Opposer has built extensive goodwill in connection with the Opposer's Goods and Services under the IDT Marks.

11. Opposer's IDT Marks have acquired fame and did so prior to the date on which Applicant filed the 77/587020 Application.

12. On October 7, 2008, Applicant filed the 77/587020 Application for registration of the IDT COMPLETE mark for Applicant's Goods in International Class 9.

13. Applicant's IDT COMPLETE mark contains Opposer's IDT mark in its entirety.

**FIRST GROUND FOR OPPOSITION
(LIKELIHOOD OF CONFUSION - COMMON LAW)**

14. Opposer realleges the allegations contained in the foregoing paragraphs of this Notice of Opposition.

15. Applicant filed the 77/587020 Application subsequent to Opposer's date of first use of the IDT marks.

16. Applicant's mark so resembles Opposer's IDT Marks as to be likely, when used in connection with Applicant's Goods, to cause confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation, thereby causing damage to Opposer.

**SECOND GROUND FOR OPPOSITION
(LIKELIHOOD OF CONFUSION - FEDERAL)**

20. Opposer realleges the allegations contained in the preceding paragraphs of this Notice of Opposition.

21. Applicant filed the 77/587020 Application subsequent to Opposer's date of first use of the IDT marks.

22. Applicant's IDT COMPLETE mark so resembles Opposer's IDT marks as to be likely, when used in connection with Applicant's Services, to cause confusion or mistake or to deceive purchasers as to an affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods or commercial activities by Opposer, or as to the origin, affiliation, endorsement and sponsorship of Applicant's Goods or commercial activities by Opposer, thereby causing damage to Opposer.

**THIRD GROUND FOR OPPOSITION
(DILUTION)**

22. Opposer realleges the allegations contained in the preceding paragraphs of this Notice of Opposition.

23. Opposer's IDT Marks are famous and acquired fame prior to the filing date of the 77/587020 Application, and prior to any date of first use of the IDT COMPLETE mark that can be claimed by Applicant.

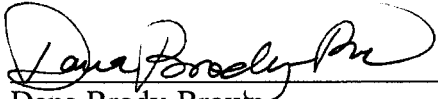
24. Registration of Applicant's IDT COMPLETE mark is likely to cause dilution of the distinctive quality of Opposer's IDT Marks, thereby causing damage to Opposer.

WHEREFORE, Opposer prays that its Opposition be sustained, that Application Serial No. 77/587020 be rejected and that the registration of IDT COMPLETE as a trademark to Applicant be refused, and for such other relief as may be deemed just and proper.

Respectfully submitted,

LEWIS AND ROCA LLP

Dated: June 24, 2009

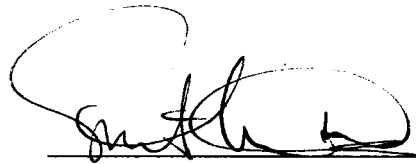

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DBrodyBrown@LRLaw.com

Attorneys for Opposer
INTEGRATED DEVICE TECHNOLOGY, INC.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant's counsel by depositing a copy thereof in the United States Mail, first-class postage prepaid on June 24, 2009, addressed as follows:

Brian G. Gilpin
Godfrey & Kahn, S.C.
780 N. Water Street
Milwaukee, WI 53202



Mirtha Diaz, an employee of
Lewis and Roca LLP